

# OUT OF TIME

Issue No. 18

*Out of Control--Lesbian Committee to Support Women Political Prisoners*

June 1993

## PAT SEARCH VICTORY

A federal appeals court has ruled in *Jordan vs. Gardner*, F.2d 1387, 1409(1993), 52 Cr.L. 1556 that male guards at Purdy Washington state prison cannot conduct random searches of clothed female inmates. In a 7 to 4 decision the U.S. court of appeals for the 9th circuit in S.F. ruled that the prison's policy violated the 8th amendments bar against cruel and unusual punishment.

The policy to let male guards conduct the non-emergency searches was in effect for less than one day (July 5 1989). A victim of extensive sexual abuse was searched on that day and reacted with severe distress. She had to have her fingers pried loose from bars she had grabbed during the search and she vomited after returning to her cell.

Five women inmates filing papers **WITHOUT A LAWYER** then won a temporary injunction against the search policy. The case was expanded to a class action suit.

The opinion of the majority written by O'Scannlain found that prison officials had shown deliberate indifference to the women's discomfort even though staff counsellors warned them about traumatic effects of the searches which included kneading and squeezing of upper thighs and pushing inward and upward in the crotch.

According to testimony at trial 85% of the 270 women at Purdy have herstories of sexual abuse including rape and incest.

To define the ways in which women's reactions to the searches differ from men's, the majority opinion cited the "reasonable woman" standard the 9th circuit developed in a 1991 sexual harassment case. At trial, lawyers that brought a class action suit on behalf of all the prisoners called an anthropologist to testify that women have always considered unrestricted access to their bodies taboo. But, men in most societies have felt such touching enhanced their status.

In a concurring opinion, the judge argued that the court should have reached its conclusion through the 4th amendments prohibition against unreasonable searches. The searches "permit men in position of ultimate authority to flatten the breasts of women who are totally subject to their control. Such conduct is offensive and extreme to all women regardless of their prior sexual history."

## SUSAN CUMMINGS - Washington

Susan Cummings is a Lesbian who has been serving time since 1985 for a murder she did not commit. Susan was sentenced to life without parole in Washington state. Despite the fact that the crime with which she was charged took place in 1983, when Susan was 16 years old, she was not arrested until three weeks after her eighteenth birthday. She was tried as an adult. Of five other people reputed to be involved in the murder, only two others were ever charged. Both of these individuals made deals with the prosecution in return for testimony against Susan.

The evidence introduced against Susan at trial consisted entirely of the testimony of accused accomplices, whose stories con-

Every issue of OUT OF TIME is put together by two or three members of Out of Control (OOC) on a rotating basis. The group as a whole doesn't edit each issue, and the articles included don't necessarily reflect the views of everyone.

## More on Women Who Kill

In March 1991, a group of women imprisoned at Frontera, CA for killing their abusers, wrote to Governor Wilson, asking him to review the cases of battered women in prison. By May 1992, with additional help from the California Coalition for Battered Women in Prison, 34 women submitted petitions asking Wilson to grant them clemency. The Governor said he would be reviewing the petitions on a case-by-case basis and would try to make some decisions within a year. As of this month, it has been a year - these women have heard nothing from him. Instead they have been repeatedly put off by vague responses from aides to the Governor, who give no indications of what or when they may expect to hear. Until lawyers and politicians hammer out what they consider to be the pros and cons of granting clemency, these women have no choice but to wait.

Brenda Clubine has been serving time for the last nine years. She started a support group at Frontera in 1989, for battered women on the inside. The night Brenda went to meet her husband to finalize their divorce papers, he was already wanted on a charge of felony battery for rubbing Brenda's face so hard on the carpet that her skin came off. In the previous six years, he had broken her ribs and fractured her skull repeatedly. When she arrived with the divorce papers, he waved the warrant for his arrest in front of her face and began to hit her. He told her that if he killed her, nothing would happen to him, and she knew he was right. They fought, her 88 pounds to his 260. Eventually she reached for a wine bottle and smashed it over his head - he stumbled backwards, moaning. It was then that Brenda grabbed the knife off of the table and stabbed him twice - she is now serving 15 years to life for 2nd degree murder.

Glenda Virgil's boyfriend had received "help" for his violent nature after years of abusing her - including an incident where he stabbed her twice in the leg. In November of 1986, Glenda told him she was leaving. As is often the case with batterers when their partner tries to get away, Glenda's boyfriend reacted to her announcement with hours of brutalization, as well as suicide and death threats. During this time he held her hostage with a gun at point-blank range. Eventually he dropped the gun. Glenda grabbed it. He began walking toward her saying, "When I get the gun away from you, I'm going to kill you." Glenda raised the gun and fired.

In 1987, due to various personal problems that her lawyer was experiencing, her court case was declared a mistrial. The jury was polled - eight jurors believed that Glenda should be acquitted - none felt she should be convicted of murder. A new trial was held, where her new attorney failed to introduce evidence of battery or the Battered Women's Syndrome, while the prosecuting attorney was allowed by the judge to admit evidence of Glenda's past use of alcohol and history of abusive relationships - all intended to imply that she somehow asked to be abused.

Glenda is among the many women whose claims have been substantiated that the jail staff put them on (650 milligrams) psychotropic drugs from the moment of arrest. Glenda's is a typical case of abuse - coming from both her batterer and the legal system. She was convicted of 2nd degree murder. She is not eligible for parole until 1998.

There are countless other women who have suffered similar abuse at the hands of their abusers - many don't ever get away. The women in prison for killing their abusers did so out of self-defense within a system that offers battered women no other options. They call the police only to be met with indifference, accusations or not at all. They contact shelters only to find that they are over-crowded, under-staffed and enormously under-funded. These women should not be behind bars.

*continued at top of page 4.*



## INTERNATIONAL CAMPAIGN TO RETURN SILVIA TO ITALY

Bolstered by visits this spring by Italian government officials, a renewed international campaign to release political prisoner Silvia Baraldini to Italy is underway. At the end of March, Alessandro Prisco representing 100 Italian women Parliamentarians met with a Justice Department representative to request that the U.S. government act now to return Silvia to Italy. On April 6, the Italian Foreign Minister Consul repititioned the Attorney General's office for repatriation of Silvia for the third time.

Baraldini is serving 43 years for RICO charges involving the liberation of Black Liberation Army leader Assata Shakur and other political actions, and for refusing to testify before a grand jury investigating the Puerto Rican Independence Movement. The Italian government has petitioned twice under the Strasbourg Convention, an international treaty providing for the transfer of prisoners to their country, and twice the Bush administration has refused the request.

Since January, thousands of postcards from Italy have flooded the offices of President Clinton and Attorney General Reno. Thousands of women marched in Rome on International Women's Day to demand Baraldini's return. In April, a fax and postcard campaign was initiated by the Release Silvia! Committee to demand that the U.S. honor the Strasbourg Convention and return Baraldini to Italy.

Write Attorney General Reno at Dept. of Justice, 10th Street and Constitution Avenue, NW, Washington, DC 20530 or fax your own message to (202) 514-5331. For more information write Release Silvia! Committee, 3543 18th Street, Box 30, San Francisco, CA, 94110.

*NOTE: The 800 number for the mailgram campaign has been disconnected. We are sorry for any inconvenience caused by this.*

## LEONARD PELTIER

The Leonard Peltier Support Group has initiated a national letter writing and petition campaign to pressure President Clinton to grant executive clemency to Leonard Peltier, and free him once and for all from 17 years of maximum security hell. They want to raise \$20,000 to place a full page ad in the San Francisco Chronicle and the San Francisco Examiner to explain Leonard's case to the public, list names of supporters, and to ask that people write letters to the President to ask for executive clemency for Leonard. The target date for the ad is June 1.

Please make checks payable to Leonard Peltier Support Group Media/Campaign and mail c/o American Indian Movement, 2017 Mission Street, Room 303, San Francisco, CA 94110.

## SHAWNEE FIGHT AIDS WALKATHON--MARIANNA

On April 24, the women at FCI Marianna, Shawnee unit held a walkathon to raise money for people with AIDS. They organized sponsors for the walk through Bay AIDS Services and Information Coalition (BASIC), a Florida based non-profit organization that serves the needs of persons who are HIV+, Persons With AIDS, and offers counseling and support services for their families and friends.

Their service area includes six counties in the Florida Panhandle. All of their non-direct client support must come from private sources. They are dedicated to providing the best possible care and support services, to enable their clients to maintain their independence and dignity in the face of this insidious disease.

The Walkathon was a smashing success; the women at Marianna raised over \$3000. There was almost 100% participation in the event. Women in segregation walked in their cells.

In the next Out of Time we will have a longer report on this outstanding fund raising effort from the women inside.

## 7th NATIONAL ROUNDTABLE Wash D.C.

The National Women's Law Center to host 7th National Roundtable for Women in Prison. "A Vision Beyond Survival" on June 17-20, 1993 at the American University Campus in Washington D.C. Keynote speakers include Professor Angela Davis, De Sheryl Brissett-Chapman, Dr Stephanie Covington and Dr Angela Browne. The conference will bring together over 300 participants from a variety of fields including public health, alcohol and drug treatment, housing and legal services to share state of the art strategies on reducing and preventing incarceration of women. 50 workshops and films are planned over the course of the four day conference. To receive information contact Jan Britt at National Womens Law Center, 1616 P St NW, Wash D.C. 20036, 202-328-5160

## Vigils

The National Committee to Free Puerto Rican Prisoners of War and Political Prisoners in holding monthly vigils. 19 of the more than one hundred political prisoners and Prisoners of War are Puerto Ricans. They are in jail for defending the right of their people to self-determination and freedom from colonialism. The Committee wants to bring their spirits and voices to the public. Everyone is welcome at the vigils. They are the last Friday of each month from 6:15 to 7:30, and alternate between the Fruitvale Bart Station in Oakland, and the 24th Street Bart Station in San Francisco. The June vigil is in San Francisco.

For more information contact the National Committee, 3543 18th Street, Box 12, San Francisco, CA 94110 or call 415-824-7950 or 510-832-1114.



## Geronimo Denied Parole

Early Friday morning, May 21, a group of 50 demonstrators with magnificent signs and banners arrived at Tehachapi State Prison in the fog to await the release of Geronimo ji Jaga. He and his lawyers were scheduled to meet with the parole board that morning.

Weeks before his lawyer, Adjoa A. Aiyetoro, and a group of other supporters and lawyers met with the Los Angeles District Attorney (LADA) office and the parole board to feel out how the DA office would react at the hearing. Just before the parole hearing LADA announced that they would oppose Geronimo's release. And in fact, the parole board denied him for the eleventh time.

Adjoa reported that they wanted to know what his political plans are when he gets out. She said she turned the question around and asked the board why were they concerned with his political plans if he was not a political victim. She also brought up the fact that they have much evidence for a new trial, and that they continue to ignore it. The parole board cited his behavior as their reason for denying his release.



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# PRISONERS' JUSTICE DAY--Canada

August 10th is Prisoners' Justice Day (PJD). Every year many Canadian prisoners set aside August 10th to remember those who have died unnatural deaths in prisons--victims of murder, neglect and suicide. Prisoners fast, refuse to work, and/or attend memorial services as show of solidarity in memory of those who have died.

On the same day people and community organizations on the outside hold demonstrations, services and vigils in support of prisoners' common resistance against oppressive prison conditions and systems. PJD is also a day when prisoners and their supporters emphasize their attempts to raise awareness of the brutal and inhuman conditions inside prisons that are responsible for the many unnatural deaths.

PJD began in 1976 at Millhaven Penitentiary as a show of solidarity by prisoners on the one year anniversary of the death of Eddie Nalon. Eddie died in 1975 when prison authorities failed to respond to a "panic" button alert. He had slashed his wrist in a final effort to bring attention to the unwarranted extension of his stay in solitary confinement.

Prison deaths occur frequently, and an overview of the types of deaths show just how unnatural and unnecessary they are. Foremost among these are executions. The death penalty is still being used by many states claiming to be developed and progressive. Many prisoners die as a result of excessive force used by police and prison staff. Also, the majority of prisoners with HIV/AIDS live only half as long than those of us with HIV on the outside. Many deaths occur from negligence on the part of prison health care personnel, who are often undertrained and fail to diagnose fatal illnesses, and are slow to respond to emergency situations. There are also many senseless and brutal murders by other prisoners, precipitated by often minor disputes that reflect their common feelings of powerlessness, fear, anger, and rage. All of these deaths can and must be prevented with the changes demanded by the prisoners on August 10th.

A general overview of the demands for PJD follows:

- Abolition of the death penalty and inhumane (life) sentences.
- Abolition of arbitrary measures used by prison staff and administrators.
- Recognition of prisoners' human rights and dignity.
- Implementation of a means to hold all justice system personnel accountable.
- To create a more humane and positive environment in prisons while ultimately working towards prison abolition through restorative justice methods.

This year the Prisoners' Justice Day Committee of Toronto and CKLN-FM Radio is asking women prisoners for their writings for a radio show. They're interested in what it's like for you as women to be inside Canadian prisons. This includes training schools and institutions for people labelled with mental disabilities.

If you have poetry, short stories, opinion pieces, scenes or songs that you would like to have us read on PJD, August 10th radio show, please send them to the Committee. They can also use audio tapes if you have access to a recorder. They also encourage ex-prisoners, relatives, and friends of prisoners to submit writings as well.

Please send any written or taped materials by the middle of June, 1993 to: The Prisoners' Justice Day Committee of Toronto, A Space, 183 Bathurst Street, Toronto, Ontario M5T 2R7.

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## German Prison Bombed--Darmstadt

Prison Legal News - Bombs set off by guerrillas on March 26th at a new prison in Darmstadt caused such extensive damage that it will have to be razed, a justice official said. There were no injuries.

The federal prosecutor's office in Karlsruhe said a letter found in a getaway car claimed a Red Army Faction commando had carried out the bombings.

The leftist Red Army Faction guerrilla group has carried out numerous bombings, assassinations and other attacks against NATO, government and industrial targets in Germany over the past two decades.

The \$153 million prison, 18 miles south of Frankfurt, had been scheduled to open the following Thursday. But the Hesse state justice minister, Christine Hohmann-Dennhardt, told reporters it would have to be torn down and rebuilt.

Police said the bombings caused \$60 million in damage.

Five masked and armed people entered the prison complex, tied up the 11 workers and drove them to nearby woods. The attackers then detonated several bombs, destroying the administrative building and four cell blocks, said Hans-Juergen Foerster, federal prosecutor's spokesman.

Foerster said the attackers fled in a car owned by one of the prison employees and abandoned it at the town of Waldorf, nine miles north of Darmstadt.



Please write to Gov. Wilson and urge him to review the petitions and grant these women clemency at: State Capitol Building, Sacramento, CA 95814.

### Commissary Fund Garage Sale

Are you moving, house cleaning, or just wanting to get rid of some karmic garbage? LAGAI and OOC are collecting items for our 3rd (yes, 3rd!) Annual Garage Sale on Sunday, July 11. We need books, records, clothes, furniture, appliances, electronics, toys, games, etc. etc. Please, no unidentifiable or irreparable items. For pick-up or information please leave your name, phone number, and a good time to call you back at (415) 647-0158.

All proceeds go to the commissary fund for women political prisoners and POWs.

See you at the sale: Sunday, July 11 at 11AM at 133 Collingwood, between 18th and 19th St!

### News from FCI Pleasanton

Pleasanton AIDS Counseling and Education (PLACE) is now an official inmate club at FCI Pleasanton. They have held successful events featuring outside speakers, including a play written by one of the members of PLACE, and hold regular AIDS information presentations at new inmate orientation and pre-release seminars. During the December holidays PLACE sponsored a holiday card making workshop that was well attended. They sent almost 700 Christmas, Channukah, and Kwanzaa cards to children with AIDS in Los Angeles, San Francisco, and Oakland children's hospitals.

PLACE's proposal to bring the AIDS quilt to Pleasanton has been approved and is a major project for the women inside. Their plan is to collectively make a large twelve by twelve panel to commemorate all the women who have died of AIDS in federal and state prisons. Also PLACE will facilitate women making regular size panels for friends and family members who died of AIDS. They are also working on a memorial panel for all children who have died of AIDS. When the panels are ready to be added to the quilt they will sponsor a weekend display of a large section of the quilt at FCI Pleasanton. This will be the first time the quilt has been displayed in a women's prison.

The prison is not providing materials for the quilt project. Funds are needed! Please send donations to OOC, 3543 18th Street, #30, San Francisco, CA, 94110 - earmarked "Quilt".

Thanks to political prisoner Linda Evans for information used in this article.

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Cummings-cont'd from page 1.

tradicted each other. They could not agree on the people involved or even the date of the crime. One of these "witnesses", according to several people, was not even in the state that week end.

Susan has exhausted all state appeals and her only hope now lies in the federal kourts, a lengthy and costly process. The LEAGUE OF LESBIAN AND GAY PRISONERS and the SUSAN CUMMINGS DEFENSE FUND are asking for community support and/or contributions. Contact person: Lorin Mawson 10520 50th Avenue E Tacoma, Wa 98446

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**LAGAI/OOC**  
3543--18th St., Box #30  
San Francisco, CA 94110

## Continuun

The past  
is inseparably  
locked into the present.  
The future?  
The mere fruit  
of the past.  
Ignored, it is  
lifeless.

Internalized, it offers  
revolutionaries a tangible  
measuring tool and a  
window of  
experiences to discard  
or build on.  
Behind prison bars  
it becomes amplified;  
generating  
a kind of high voltage  
with the capacity  
to resuscitate  
and invigorate,  
especially after a spell  
of physical or mental  
torture.

tension of yearning human  
contact,  
frustration of  
receiving news  
of a comrade's pain of  
suffering,  
the report of another  
imperialist  
attack against the  
oppressed class.

The inseparable nature  
of time is also somewhat  
intimidating; it does not really  
offer a place to hide of  
ignore  
our contradictions.

It serves as a model of impor-  
tance  
in developing and  
maintaining an  
attitude of self-discipline and  
self-criticism.

The inseparable nature of  
time is synonymous  
with the solidarity  
prerequisite  
to a peoples struggle for  
national  
liberation.

*Poem by Alicia Rodriguez. Alicia is a Puerto Rican POW serving a 115 year combined state and federal sentence for seditious conspiracy and other charges. Alicia is imprisoned at Dwight Correctional Facility in Illinois.*